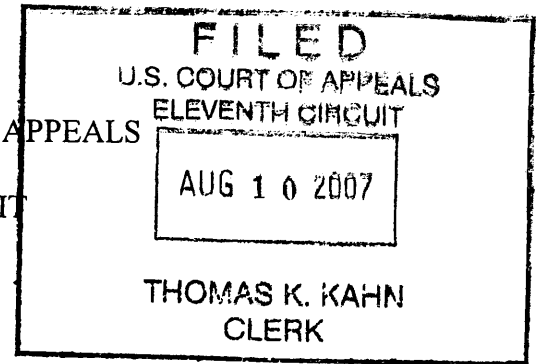


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IN THE UNITED STATES COURT OF APPEALS
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2007 AUG 14 A 9:31

JOHN P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

No. 07-12493-I



STEPHEN THOMAS,

Plaintiff-Appellant,

versus

RICHARD ALLEN, Commissioner,
BOB RILEY, Governor, et al.,

Defendants-Appellees.

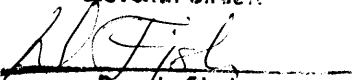
Appeal from the United States District Court for the
Middle District of Alabama

Before TJOFLAT, BLACK and CARNES, Circuit Judges.

BY THE COURT:

The appellant, in the district court, filed a notice of appeal and a motion to proceed on appeal in forma pauperis (IFP). The district court denied IFP, certifying that the appeal was frivolous and not taken in good faith. However, the district court did not assess a \$455.00 appellate filing fee, as is now required under the Prison Litigation Reform Act of 1995 (April 26, 1996); see 28 U.S.C. § 1915 (as amended).

Appellant has consented to pay the \$455.00 filing fee and any additional costs assessed, using the partial payment plan described under 28 U.S.C. § 1915 (as amended). Thus, the only remaining question is whether the appeal is frivolous. See § 1915(e)(2)(B)(i). This Court now finds that the appeal is frivolous, DENIES leave to proceed, and DISMISSES the appeal.

A True Copy - Attested
Clerk, U.S. Court of Appeals
Eleventh Circuit

Deputy Clerk
Atlanta, Georgia